



INTERIOR BOARD OF INDIAN APPEALS

Estate of Eleanor Hubbard Stump Saddler

38 IBIA 216 (11/18/2002)

Related Board case:
38 IBIA 176



United States Department of the Interior

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INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF ELEANOR HUBBARD STUMP : Order Affirming Decision
SADDLER :
: Docket No. IBIA 03-2
:
: November 18, 2002

On October 4, 2002, the Board of Indian Appeals received a notice of appeal from Darleen Stump and Edwina Stump (Appellants), who sought review of an August 2, 2002, Order Denying Reopening issued by Administrative Law Judge Robert G. Holt in the estate of Eleanor Hubbard Stump Saddler (Decedent). IP TC 244 R 96.

The original decision in Decedent's estate was issued by Administrative Law Judge James H. Heffernan on April 30, 1998. Appellant Darleen Stump filed a petition for reopening on August 9, 2001. Judge Holt found that she lacked standing to petition for reopening because she had notice of, and attended, the original hearing in the estate. Appellants did not dispute the Judge's statement that Darleen attended the original hearing.

Noting that Judge Holt's decision was in accordance with Board decisions holding that a person who attended the original hearing in an estate lacks standing to petition for reopening of that estate (Estate of Elmer James Whipple, 16 IBIA 225 (1988); Estate of Richard Lip, 15 IBIA 97 (1987)), the Board ordered Appellants to show why the Judge's decision should not be affirmed.

Darleen Stump has filed a response in which she states her objections to the distribution of Decedent's estate, as set out in Judge Heffernan's April 30, 1998, order, but does not address the question of her standing to seek reopening.

Appellants have failed to show error in Judge Holt's August 2, 2002, order. Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, that order is affirmed.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge